

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLN. 09/931,067

**REMARKS**

Applicant traverses the objection to claim 1, and refers the Examiner to the MPEP which explicitly recommends "the steps" in a method/process claim.

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, in view of the above corrective amendment to claim 1.

Applicant respectfully traverses the following statutory rejections:

Claims 1-7 and 10-12 under 35 U.S.C. § 102(e) as being anticipated by Roberts '050;

Claim 8 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Roberts '050 in view of Toshida '990;

Claim 9 under 35 U.S.C. § 103(s) as being unpatentable (obvious) over Roberts '050 in view of Narayanaswami '222; and

Claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Roberts '050 in view of Duwaer '366.

The rejection under 35 U.S.C. § 102(e) requires that Roberts '050 disclose, either expressly or inherently, each limitation of each of claims 1-7 and 10-12, or in other words that each of claims 1-7 and 10-12 be readable on the disclosure of Roberts. Applicant respectfully submits that clearly such is **not** the case here.

First, the object of the present invention is to provide a method for telephone communication between a portable object, provided with horological functions and a mobile telephone unit, and a dedicated server to establish a two-way transmission of horological function signals. This allows the horological functions of the portable object to be adjusted

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and/or updated at any geographical location and at any moment desired. Given that a two-way transmission is used between the portable object and the server, it is important to transmit, from the portable object to the dedicated server, horological function data signals, for example the time differences corresponding to a time prior to correction and an exact time after update. In this way, the server can store the time differences after each time correction of the object during each telephone link. Subsequently, the server can send updated data as a function of an evaluation of the time differences stored to act on the time base, for example on the frequency of the time-keeping circuit oscillator, or a chain division of the time-keeping circuit. If the portable object is a wristwatch with a stepping motor, a voltage pulse frequency can be sent from the watch to the dedicated server in order to compare and correct this frequency of the time-keeping circuit of the watch.

On the other hand, Roberts '050 describes a system and method for automatically setting a remote timepiece with the correct time by way of wireless telecommunication. Data signals, including one or two time stamps, are generated and transmitted only from a Mobile Switching Center (MSC) or cellular service provider which is connected in a wireless manner to a control cell with an antenna for covering a geographical zone. A remote timepiece placed in the zone of the control cell can detect data signals transmitted from the Mobile Switching Center only if the address of the data signals corresponds to the address of the timepiece. This address is specifically a phone number specific to the phone unit associated with the timepiece. After the telephone link is established, the remote timepiece can update the time and date of these horological functions. If the timepiece is mounted in an area (airport, university or other areas) of

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several other timepieces, this first timepiece can be connected to the other timepieces in order to update their hour and date.

The Mobile Switching Center is programmed in order periodically (each second or more) to generate and transmit time stamps depending on times of low or high system usage. Thus, the remote timepiece can frequently receive time stamps to correct hour and date, which is displayed on a clock display.

Roberts '050 does **not** describe or suggest a two-way transmission of horological function data signals between the Mobile Switching Center (dedicated server) and the remote timepiece, because transmission capacities of the timepiece are not required for receiving time stamps (col. 7, lines 11-13). Thus, the Roberts timepiece does not transmit data signals to the Mobile Switching Center, before or after having corrected the horological functions as the local time or date during the established telephone link as recited in claim 1 and in the new claim 15.

The Roberts timepiece also does not dial, at programmed intervals of time, the telephone number of the Mobile Switching Center, as recited in Applicant's claims 6 and 13 of the present invention.

Furthermore, Roberts' '050 neither teaches nor suggests that the remote timepiece transmits a correction time difference between the time prior to correction and the exact time to the dedicated server, as recited in Applicant's claims 3 and 15. Moreover, the Mobile Switching Center is unable to store all the correction time differences of a specific portable object (timepiece) in order to transmit a message to the timepiece to inform about the state of its horological functions.

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Thus, since Roberts does not disclose, either expressly or inherently, each limitation of each of claims 1-7 and 10-12 (and new claims 15-19), Applicant respectfully submits that Roberts is **incapable** of "anticipating" (or rendering obvious) any of these claims, and respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 102(e), and to allow claims 1-7, 10-12 and 15-19.

With respect to the rejection of claim 8 (8/1) under 35 U.S.C. § 103(a), Toshida '940 describes a radio apparatus, such as a portable telephone, capable of downloading music data in a telephone communication "at the request of the person carrying the portable object" as recited in claim 8 (8/1). However, Toshida '990 neither teaches nor suggests a "two-way transmission of horological function data signals" between a dedicated server and a portable object with horological functions, as **required** by parent claim 1. Thus, there would not (and could not) be any motivation to combine the teachings of the two references which, even if combined for some unknown reason, would not (and could not) produce the subject matter of claim 8 (8/1). Therefore, Applicant respectfully submits that the Examiner has not made out a *prima facie* case of obviousness of the subject matter of dependent claim 8 (8/1).

As for the rejection of claim 9 (9/1) under 35 U.S.C. § 103(a), Narayanaswami '222 describes a wearable mobile computing device, such as a smart watch. By moving the bezel of the watch, an alarm can be programmed. However, there is **not** described or suggested any programming of an alarm time transmitted from the portable object to the server in order to allow the server to send an alarm message to the portable object at the programmed alarm time as recited in Applicant's claim 9, which, thus, is both novel and unobvious. Furthermore, this

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reference neither teaches nor suggests the two-way transmission of data signals between a dedicated server and a portable object with horological functions, as defined in independent parent claim 1. Thus, claim 9, like claim 8, is both novel and unobvious, because the teaching of this reference **cannot** be combined with Roberts' teaching to produce or to render *prima facie* obvious the subject matter of claim 9 (9/1).

As for the rejection of claims 13 (13/1) and 14 (14/1), Duwaer '366 describes a wrist-watch wireless telephone. However, there is absolutely **no** teaching or suggestion of establishing a "two-way transmission" (transmit and receive) of horological function data signals between the dedicated server and said wristwatch "at programmed time intervals in the watch", as **required** by claims 13 and 14.

Thus, claims 13 and 14 also are both novel and unobvious, because the teaching of Duwaer **cannot** be combined with Roberts' teaching to render *prima facie* obvious the subject matter of the dependent claims 13 and 14.

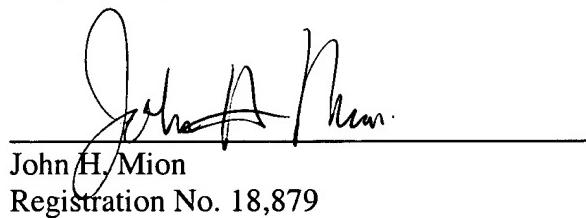
In summary, then, Applicant respectfully requests the Examiner to reconsider and withdraw the claim objections, the rejection under 35 U.S.C. § 112, second paragraph, and the rejections under 35 U.S.C. § 102(e) and 103(a), and to find the application to be in condition for allowance with all of claims 1-19; however, if for any reason the Examiner feels that the application is not now in condition for allowance, she is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application. (New claim 15 is based on a combination of the features of original claims 1 and 3.

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New claims 16-19 are based on original claims 4 and 5 and on page 7, lines 27-31 of Applicant's specification.)

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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